



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bills 4382 and 4383 (as reported without amendment)
House Bill 4384 (Substitute S-1 as reported)
Sponsor: Representative Kevin Cotter (H.B. 4382)
Representative Andrea LaFontaine (H.B. 4383)
Representative Kenneth Kurtz (H.B. 4384)
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

House Bill 4382 would amend the Michigan Do-Not-Resuscitate Procedure Act to do the following:

- Include a declarant's patient advocate among the individuals who must sign a declarant's do-not-resuscitate (DNR) order.
- Allow a guardian with the power to execute a DNR order under the Estates and Protected Individuals Code to execute a DNR order on behalf of a ward.
- Require a court to issue an injunction voiding a DNR order if it found that an order had been executed contrary to the wishes of the declarant or, if the declarant were a ward, contrary to the wishes or best interests of the ward.
- Require that a writing prepared by a person who observed a declarant's revocation of a DNR order be delivered to the declarant's attending physician and, if the declarant were a patient or resident of a facility, to the facility's administrator.
- Allow a patient advocate or guardian to revoke a DNR order on behalf of a declarant.
- Require that "void" be written on every page of a revoked DNR order, rather than requiring the revoked order to be destroyed.

The bill also would require a DNR order to be accessible within a declarant's place of residence or other setting outside of a hospital, and prohibit a responding health professional from attempting to resuscitate a person who had a DNR order when arriving at the person's location outside of a hospital, rather than outside of a hospital, nursing home, or mental health facility.

House Bill 4383 would amend the Adult Foster Care Facility Licensing Act to define "do-not-resuscitate order" as a document executed under the Michigan Do-Not-Resuscitate Procedure Act directing that, in the event a resident suffers cessation of both spontaneous respiration and circulation, no resuscitation will be initiated. Currently, the definition refers to such a document executed according to Section 3 of the Michigan Do-Not-Resuscitate Procedure Act.

House Bill 4384 (S-1) would amend the Estates and Protected Individuals Code to do the following:

- Require a guardian ad litem appointed to represent a person for whom a petition of incapacity was filed to inform the person that, if a guardian were appointed, the

guardian could have the power to execute a DNR order on the person's behalf and that the person could request a limitation on that power.

- Require a guardian ad litem to inform the court whether an individual for whom a petition of incapacity had been filed objected to having a DNR order executed on his or her behalf.
- Specify that the power of a guardian to execute a DNR order would not affect or limit the power of a guardian to consent to a physician's order to withhold resuscitative measures in a hospital.
- Prohibit a guardian appointed for an incapacitated person from executing a DNR order for that person unless the guardian consulted with the person within 14 days before executing the order, and consulted directly with the ward's physician.
- Require a guardian who executed a DNR order for a ward to visit the ward annually and consult with him or her, if meaningful communication were possible, and to consult with the ward's attending physician as to specific indications that warranted reaffirming the DNR order.
- Require a guardian's periodic report to the court, the ward, and interested persons to include whether the guardian had executed, reaffirmed, or revoked a DNR order on behalf of the ward in the past year.

House Bills 4382 and 4383 would take effect 90 days after their enactment. House Bills 4382 and 4384 (S-1) are tie-barred. House Bill 4383 is tie-barred to House Bill 4382.

MCL 333.1052 et al. (H.B. 4382)
400.704 (H.B. 4383)
700.1103 et al. (H.B. 4384)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Date Completed: 5-22-13

Fiscal Analyst: Dan O'Connor
Josh Sefton

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